

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 202105905	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/01/2021 10:07 AM	Location of Incident: Southwest corner 3rd Avenue and East 88th Street	Precinct: 19	18 Mo. SOL 4/1/2023	EO SOL 4/1/2023	
Date/Time CV Reported Fri, 10/01/2021 4:13 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 10/01/2021 4:13 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Kenneth Granshaw	24884	936693	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Kenneth Granshaw	Abuse: Police Officer Kenneth Granshaw threatened to arrest § 87(2)(b)	
B. PO Kenneth Granshaw	Abuse: Police Officer Kenneth Granshaw refused to provide his name to § 87(2)(b)	

Case Summary

On October 1, 2021, § 87(2)(b) filed this complaint with the CCRB via the call processing system.

On October 1, 2021, at approximately 10:07 a.m., PO Kenneth Granshaw of the 19th Precinct pulled over an SUV driving for Uber at the southwest corner of 3rd Avenue and East 88th Street in Manhattan. § 87(2)(b) was waiting for the Uber and approached PO Granshaw during the stop. PO Granshaw threatened to arrest § 87(2)(b) (Allegation A: Abuse of Authority, § 87(2)(g)) and allegedly failed to provide his name to § 87(2)(b) (Allegation B: Abuse of Authority, § 87(2)(g)).

PO Granshaw issued the driver of the Uber a summons during this incident unrelated to the FADO allegations in this complaint. This incident resulted in no other summonses or arrests.

On October 13, 2021, NYPD Legal provided one body-worn camera (BWC) video related to this incident from PO Granshaw's BWC. (Board Review 01)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer KENNETH GRANSHAW threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer KENNETH GRANSHAW refused to provide his name to § 87(2)(b)

On October 1, 2021, at approximately 10:07 a.m., PO Kenneth Granshaw of the 19th Precinct pulled over an SUV driving for Uber at the southwest corner of 3rd Avenue and East 88th Street in Manhattan. The Uber was on its way to pick up § 87(2)(b) and his family, who were standing on the northwest corner of the intersection.

PO Granshaw activated his BWC during this incident and recorded continuously through when § 87(2)(b) stated he left the scene. At 1:00 in the recording, § 87(2)(b) is visible approaching the stopped SUV. PO Granshaw extends his arm in front of him and calls to § 87(2)(b) "Oh – Oh!" § 87(2)(b) stops moving forward at approximately the front of the hood of the SUV. PO Granshaw continues, "Back up. It's a car stop." An individual begins to speak. After the first syllable PO Granshaw states, "Be quiet." § 87(2)(b) says, "excuse me." PO Granshaw stops at the driver's side window and begins speaking to the driver he stopped. § 87(2)(b) does not move and is several feet from PO Granshaw. § 87(2)(b) says, "sir, do I have to order another Uber?" PO Granshaw extends his arm towards § 87(2)(b) and does not face him or respond. § 87(2)(b) says, "Excuse me, if you're being impolite to me I'm taking your picture." PO Granshaw states, "take a picture." (Board Review 01)

§ 87(2)(b) took three photographs, two of which show PO Granshaw and one of which shows his RMP. (Board Review 02) PO Granshaw and § 87(2)(b) do not interact during this process.

At 02:15 in PO Granshaw's BWC recording, § 87(2)(b) states off camera, "Sir, how long are you going to keep him stopped? The sooner [unintelligible]. Do I need to order another Uber?" PO Granshaw states, "sir, I'm on a car stop, sir. Do you want to be arrested for obstructing governmental administration?" § 87(2)(b) asks, "are you really not going to help me?" PO Granshaw states, "no. I'm on a car stop, sir. My life's on the line. Thank you." § 87(2)(b) says, "your life is not on the line." PO Granshaw states, "ok. Have a good weekend." § 87(2)(b) begins walking away and calls out, "now you know why people want to defund the police." PO Granshaw states, "ok." § 87(2)(b) continues, "And I support the cops. Just not you."

PO Granshaw returns to his RMP. His recording captures no further interactions with § 87(2)(b) (Board Review 01)

§ 87(2)(b) stated to the CCRB that after PO Granshaw threatened to arrest him, § 87(2)(b) asked for PO Granshaw's name and PO Granshaw refused to provide it (Board Review 03).

PO Granshaw initially stated to the CCRB that he did not threaten to arrest § 87(2)(b) during the incident but did tell § 87(2)(b) in sum and substance that he did not want to have to arrest him for obstructing governmental administration. After viewing his BWC recording, PO Granshaw recalled that he stated, "Do you want to be arrested for obstructing governmental administration?" PO Granshaw stated he understood § 87(2)(b) to be obstructing governmental administration by yelling and repeatedly approaching a car stop in progress. § 87(2)(b) said or did nothing else that contributed to this belief. § 87(2)(b) stopped at the hood of the SUV and never entered PO Granshaw's personal space. § 87(2)(b) never asked PO Granshaw for his name. (Board Review 04)

New York Penal Law § 195.05, Obstructing governmental administration in the second degree, states:

"A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration." (Board Review 06)

In *People v. Case*, 42 N.Y.2d 98 (1977), the Court of Appeals of New York held, "[section 195.05 of the Penal Law] has been uniformly interpreted to the effect that mere words alone do not constitute 'physical force or interference' such as to support the charge of obstructing governmental administration." The court further held, "Under the express provisions of the statute, the interference would have to be, in part at least, physical in nature." (Board Review 07)

The Court of Appeals of New York has held that a person cannot be guilty of obstructing governmental administration under § 195.05 unless their obstruction is at least partly physical. It is undisputed and shown on BWC that § 87(2)(b) did not physically interfere with PO Granshaw.

§ 87(2)(g)

§ 87(2)(b) alleged that he asked PO Granshaw for his name during the incident and that PO Granshaw did not provide it. PO Granshaw recorded the entirety of his interactions with § 87(2)(b) on his BWC and no such interaction occurs. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. (Board Review 08)
- PO Granshaw has been a member of service for 16 years and has been a subject in three other CCRB complaints and three other allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of October 22, 2021, the New York City Office of the Comptroller is processing a request for a notice of claim check related to this incident. The results will be added to the casefile upon receipt. (Board Review 09)

- § 87(2)(b)

Squad No.: 09

Investigator:	<u>Christopher Olmsted</u>	<u>Investigator Chris Olmsted</u>	<u>10/22/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Monique West</u>	<u>IM Monique West</u>	<u>05/03/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date